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April 18, 2022

ECF FILING

Hon. Paul A. Engelmayer
United States District Court Judge
United States District Court/Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: Johnson v. Starbucks
Index #: 1:22-cv-02409 (PAE)

Dear Honorable Judge:

We represent plaintiff Michael Johnson in the above-entitled action. This matter is presently scheduled for an initial pre-trial conference on April 21, 2022 at 11:00 a.m. We request an adjournment until the Court makes a decision with regard to the appropriateness of defendant's removal.

Please accept this letter as plaintiff's Motion To Remand this matter to New York State Supreme Court pursuant to 28 U.S.C. 1447(c) because this matter can be settled in the amount of \$75,000.00. In fact, this office sent an email in response to defense counsel's request to be provided an updated settlement demand. In that response, the undersigned, after conferring with plaintiff, agreed to accept the sum of \$75,000.00 if offered. (a copy of that email exchange is annexed to this letter as Exhibit A.) Instead of responding to that communication, defense counsel removed this matter to Federal Court.

Given the requirements of 28 U.S.C. 1446(b)(3) neither counsel, nor party, can state that this matter is valued over \$75,000.00 at this time. Based upon the above, the undersigned respectfully requests this matter be remanded back to the New York State Supreme Court.

Thank you for your consideration of the above.

Respectfully submitted,

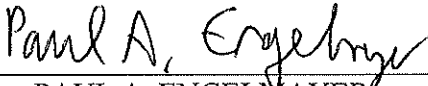


Michael F. Kremins (MK-6377)

The request to adjourn is denied. A mere settlement demand does not eliminate the existence of diversity jurisdiction. The Court will take up this question at the conference scheduled for April 21, 2022.

Pursuant to its March 31, 2022 order, the Court directed the parties to file a joint letter in advance of its initial pretrial conference. *See* Dkt. 4. The Court has not received such a letter. The parties are directed to file the joint letter by April 20, 2022.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer", written over a horizontal line.

PAUL A. ENGELMAYER
United States District Judge
April 19, 2022

EXHIBIT A